

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RODNEY G. HEBBELER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil Case No. 17-cv-1114-JPG  
Criminal Case No. 15-cr-40084-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on petitioner Rodney G. Hebbeler's motion to withdraw his motion under 28 U.S.C. § 2255 (Doc. 11). Hebbeler filed his § 2255 motion (Doc. 1) on October 18, 2017. The Court performed its initial review pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings for the United States District Courts and rejected three of the four grounds—Grounds 1.a, 1.b, and 3—Hebbeler asserted as a basis for § 2255 relief (Doc. 7). As directed by the Court, the Government has responded to the fourth ground—Ground 2 (Doc. 9). Hebbeler now asks the Court to allow him to withdraw his § 2255 motion because he is “not in a very good situation” with respect to the motion. Pet.'s Mot. 1. In other words, Hebbeler believes he is unlikely to prevail in his current situation and would rather seek a sentence reduction under Federal Rule of Civil Procedure 35(b).

In an order dated August 15, 2018, the Court warned Hebbeler that his current motion would count as his first § 2255 motion even if he withdrew it before all issues were resolved. He would therefore not be allowed to file another § 2255 motion raising the undecided ground for relief—or any others—without being subject to the restrictions on second or successive motions set forth in § 2255(h). The Court gave Hebbeler until September 4, 2018, to move to withdraw his motion to withdraw in order to avoid this consequence. It further warned him that if he failed

to withdraw his motion to withdraw, the Court would dismiss his § 2255 motion *without resolving Ground 2*, and Hebbeler would be unlikely to be able to raise that issue again. In any case, he would need to obtain leave from the Court of Appeals to file any subsequent § 2255 motion.

Hebbeler has not asked the Court to withdraw his motion to withdraw his § 2255 motion. Accordingly, as it warned it would do, the Court **GRANTS** Hebbeler's motion to withdraw (Doc. 11), **DISMISSES** his § 2255 motion (Doc. 1) and **DIRECTS** the Clerk of Court to enter judgment accordingly.

**IT IS SO ORDERED.**

**DATED: September 14, 2018**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**